

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

BETTY JONES,)	
)	
Plaintiff,)	
)	
v.)	No. 04-3052 M1/P
)	
MEDEGEN MEDICAL PRODUCTS, LLC,)	
)	
Defendant.)	

ORDER DENYING DEFENDANT'S MOTION TO STRIKE PLAINTIFF'S RESPONSE
AS UNTIMELY AND TO DISMISS COMPLAINT WITH PREJUDICE

Before the Court is Defendant Medegen Medical Product's Motion to Strike Plaintiff's Response as Untimely and to Dismiss Complaint with Prejudice, filed January 17, 2006. Plaintiff Betty Jones responded in opposition on January 18, 2006. Defendant requests that Plaintiff's Response to Defendant's Motion for Summary Judgment be stricken as untimely. Defendant also requests that Plaintiff's Complaint should be dismissed in its entirety for Plaintiff's alleged repeated failure to comply with this Court's orders. In response, Plaintiff's counsel explains that her response to the summary judgment motion was untimely due to unexpected difficulties with the Court's new electronic filing system.

Based on its review of the parties' submissions, the Court concludes that the pending motion for summary judgment should be decided on its merits and that it is inappropriate to dismiss

Plaintiff's Complaint on the grounds alleged in Defendant's motion. Accordingly, Defendant's Motion to Strike Plaintiff's Response as Untimely and to Dismiss Complaint with Prejudice is DENIED.

IT IS SO ORDERED this 19th day of January, 2006.

/s/ Jon P. McCalla
JON P. McCALLA
UNITED STATES DISTRICT JUDGE